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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

March 3, 1977

77-6187/3
OLC #77-085

SSCI

77-0375/2

IN REPLY PLEASE
REFER TO R#6693

Guidelines

Adm. Stansfield Turner
Director of Central Intelligence
Central Intelligence Agency
Washington, D. C. 20505

Dear Adm. Turner:

I am writing in response to Deputy Director Knoche's letter to me of 21 January 1977.

That letter set out his proposal for reports to the Senate Select Committee on Intelligence on CIA activities that raise questions of legality or propriety. While I believe the proposal provides a sensible basic procedure, there are several things about it which concern me.

Under Mr. Knoche's proposal, it is possible that the Senate Select Committee would never be informed of certain activities referred to the Intelligence Oversight Board. This would be the case if the President ordered the Central Intelligence Agency not to report such activities to the Congress. Under S. Res. 400 of the 94th Congress, 2d Session, the Senate expressed its sense that "the head of each department and agency of the United States would keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency". Given such a charge it is necessary for the Senate Select Committee to request that should the President order you not to report on a particular activity to the Senate Select Committee that you report that instruction to the Senate Select Committee. The Senate Select Committee and the Senate can then address its inquiries directly to the President.

I believe that the thirty day maximum withholding period described in the letter is a reasonable proposal. I assume, of course, that whenever possible reports would

Adm. Stansfield Turner
March 3, 1977
Page 2

STAT be made before the thirty days elapsed. It is clear that certain matters, particularly those whose disclosure would be damaging or embarrassing, should be brought immediately to the attention of the Senate Select Committee. The Senate Select Committee's report on [redacted] make clear the Committee's belief that the failure to bring such matters as this to the attention of the Select Committee should not occur again; similarly, the Committee should be apprised in the future of questionable activities in a timely manner.

Under Mr. Knoche's proposal, the Committee would be provided a quarterly report on the number of possible criminal offenses reported to the Department of Justice and the number closed out by Department of Justice decisions to prosecute or not to prosecute. The Committee has no desire to impede Department of Justice investigations or to interfere with the rights of Americans. There may be in the future, however, instances where the Committee must be told of ongoing investigations, disclosure of which would be damaging or embarrassing. This has been done in the past and the Committee expects that it will continue to be done in the future, supplemented by the reports described in Mr. Knoche's letter. Disclosure of these investigations to the Committee need not be in elaborate detail; notification that an allegation has been referred to the Attorney General, with a brief description of the issue, will in most cases be sufficient. The Senate Select Committee or the Senate will then be able to address more detailed further inquiries to the Attorney General.

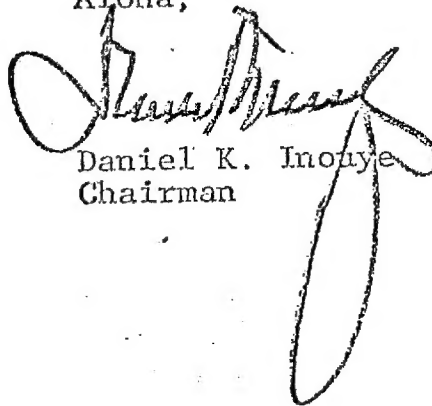
Finally, under Executive Order 11905, the Inspector General and General Counsel of the CIA are required to notify the Intelligence Oversight Board if their reports are blocked or if they are refused access to information. In order to meet the responsibilities mandated by S. Res. 400 to oversee the intelligence community, the Senate Select Committee has a similar requirement that both the Inspector General and the General Counsel report any such interference with their work to the Committee.

I believe that the suggested additions to Mr. Knoche's

Adm. Stansfield Turner
March 3, 1977
Page 3

constructive proposal are in the best interests of the Central Intelligence Agency, the national intelligence community as a whole, and the Senate Select Committee on Intelligence.

Aloha,



Daniel K. Inouye
Chairman

SSCI

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EXECUTIVE SECRETARIAT

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI	X			
3	D/DCI/IC				
4	DDS&T				
5	DDI				
6	DDA				
7	DDO				
8	D/DCI/NI				
9	GC	X			
10	LC		X		
11	IG		X		
12	Compt				
13	D/Pers				
14	D/S				
15	DTR				
16	Asst/DCI				
17	AO/DCI				
18	C/IPS				
19	DCI/SS				
20	D/EE0				
21					
22					
SUSPENSE		Date			

Remarks:

To 2 and 9: Found the attached on my desk after our discussion of this general topic during this morning's staff meeting.

Executive Secretary

Date

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Executive Registry

77-611

OLC #77-770

2 March 1977

SSCI

77-0508

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MEMORANDUM FOR: Acting Director of Central Intelligence

FROM: Executive Assistant to DCI-Designate

Admiral Turner would like to know the Agency's view on the adopted rules of procedure by which the Select Committee intends to control and protect classified information. Have these guidelines been implemented and have there been any problems?



Commander, U.S. Navy

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